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EXAMINER
GILLIS, BRIAN J

ART UNIT	PAPER NUMBER
2141	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/761,783	JAWAD PIRZADA ET AL.	
	Examiner	Art Unit	
	Brian J. Gillis	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01242004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 8, 10, 12, and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the client" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the group" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the client" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the second network" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the register" in line 24. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the group" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the card" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the card" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the card" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the storage register" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the card" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the card" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the group" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the card" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-12, 15-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al (US PGPUB US2002/0059434) in view of Hamdi (US PGPUB US20040204079).

Claim 1 discloses a method for dynamically switching between network protocols, the method comprising: conducting network communications from a client system via a first network protocol; receiving, in the client system, performance data for the first network protocol; receiving, in the client system, performance data for a second network protocol available to the client system; while conducting network communications with the first network protocol, automatically determining whether switching from the first network protocol to the second network protocol would improve performance for the client system; and in response to determining that switching to the second network protocol would cause improved performance for the client, automatically switching from the first network protocol to the second network protocol. Karaoguz et al teaches a selector receives information about the first network and the

second network (paragraphs 44 and 45), automatically determining whether to switch connections (paragraph 48), and once a network is determined, connecting to the network (paragraph 49). It fails to teach conducting network communications from a client system via a first network protocol. Hamdi teaches a client communicates via an 802.11 family protocol (paragraph 36).

Karaoguz et al and Hamdi are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client communicating via the 802.11 family protocols with the system in Karaoguz et al because increased versatility and conformability with devices is provided (Hamdi, paragraph 36).

Claim 2 discloses the method of claim 1, wherein the first network protocol and second network protocol comprise a wireless network protocol selected from the group consisting of 802.11a, 802.11b and 802.11g. Hamdi further teaches the utilization of the 802.11 family of protocols including 802.11a/b/g (paragraph 17).

Claim 3 discloses the method of claim 1, further comprising: receiving, in the client system, performance data for a third network protocol available to the client system; while conducting network communications with the first network protocol automatically determining whether switching from the first network protocol to the third network protocol would improve performance for the client system; and in response to determining that switching to the third network protocol would cause improved performance for the client, automatically switching from the first network protocol to the

third network protocol. Karaoguz et al further teaches a selector receives information about multiple networks (paragraphs 44 and 45), automatically determining whether to switch the connection (paragraph 48), and once a switch is determined, connecting to the network (paragraph 49).

Claim 4 discloses the method of claim 1, further comprising: determining that switching to the second network would cause improved performance based on energy consumption for the client system; and switching from the first network protocol to the second network protocol. Karaoguz et al further teaches switching can occur for various reasons (paragraph 48) and once a selection is made to switch the connection is made (paragraph 49).

Claim 5 discloses the method of claim 1, further comprising: storing performance data for the first network protocol and second network protocol in the client system; and accessing the performance data for the first network protocol and second network protocol. Karaoguz et al further teaches receiving data pertaining to the network (paragraph 44), and accessing the received data to make a determination (paragraph 44).

Claim 8 discloses an information handling system for dynamically switching between network protocols, the system comprising: a receiver module operable to receive communications governed by at least two network protocols; a performance data module associated with the receiver module, the performance data module operable to obtain network performance data for the at least two network protocols; and a dynamic switching module associated with the performance data module, the dynamic

switching module operable to monitor performance data and dynamically switch between network protocols based on the network performance data. Karaoguz et al teaches a selector receives performance data about networks (paragraphs 44 and 45), and a multimedia controller monitors the data and cane make determination and a connection to a network (paragraphs 48 and 49). It fails to teach a receiver module operable to receive communications governed by at least two network protocols. Hamdi teaches a client communicates via an 802.11 family protocol (paragraph 36).

Karaoguz et al and Hamdi are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client communicating via the 802.11 family protocols with the system in Karaoguz et al because increased versatility and conformability with devices is provided (Hamdi, paragraph 36).

Claim 9 discloses the information handling system of claim 8, further comprising a performance data storage module operable to store performance data, the performance data storage module associated with the performance data module and the dynamic switching module. Karaoguz et al further teaches multimode controller receives and stores the data (paragraph 44).

Claim 10 discloses the information handling system of claim 9, wherein the performance data storage module further comprises at least one register, the register operable to store performance data. Karaoguz et al further teaches the controller is a digital signal processor, which is widely known to contain registers (paragraph 42).

Claim 11 discloses the information handling system of claim 8, wherein the dynamic switching module further comprises: a network protocol setting module operable to identify wireless communications according to the at least two network protocols; a performance data comparison module operable to compare performance data for the at least two network protocols, and determine if switching to a second network protocol would improve network performance; and the dynamic switching module operable to switch to a second network protocol if the performance data comparison module determines that switching to a second network protocol would cause improved performance. Karaoguz et al further teaches a network detector identifies the networks (paragraph 44), a selector receives performance data for the networks (paragraphs 44 and 45), and a multimedia controller monitors data and can make a determination and connection to a network (paragraphs 48 and 49).

Claim 12 discloses the information handling system of claim 8, wherein the at least two network protocols comprise wireless network protocols selected from the group consisting of 802.11a, 802.11b and 802.11g. Hamdi further teaches the utilization of the 802.11 family of protocols including 802.11a/b/g (paragraph 17).

Claim 15 discloses a wireless network access card for dynamically switching between network protocols, the card comprising: a performance data receiver module, operable to receive performance data for communications according to at least two network protocols; and a dynamic switching module associated with the performance data receiver module, the dynamic switching module operable to monitor and compare performance data of at least two network protocols and dynamically switch network

protocols based on performance data. Karaoguz et al further teaches a multimode controller monitors data and can make a determination and connection to a network (paragraphs 48 and 49). It fails to teach receiving data for communications according to at least two network protocols. Hamdi teaches a client communicates via an 802.11 family protocol (paragraph 36).

Karaoguz et al and Hamdi are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client communicating via the 802.11 family protocols with the system in Karaoguz et al because increased versatility and conformability with devices is provided (Hamdi, paragraph 36).

Claim 16 discloses the card of claim 15, the dynamic switching module further comprising: a network protocol setting module operable to identify wireless communications according to the at least two network protocols; a performance data comparison module operable to compare performance data for the at least two network protocols and determine if switching to a second network protocol would improve performance; and the dynamic switching module operable to switch to a second network protocol if the performance data comparison module determines that switching to a second network protocol would cause improved performance. Karaoguz et al further teaches a network detector identifies networks (paragraph 44), a selector receives performance data and assists in making a determination on switching networks

(paragraphs 44 and 45), and a multimode controller monitors data makes a determination in switching and connects to a network (paragraphs 48 and 49).

Claim 17 discloses the card of claim 15, further comprising at least one storage register, the storage register associated with the performance data receiver module and the dynamic switching module and operable to receive performance data from the performance data receiver module and provide performance data to the dynamic switching module. Karaoguz et al further teaches multimode controller receives and stores the data (paragraph 44) and the controller is a digital signal processor, which is widely known to contain registers (paragraph 42).

Claim 19 discloses the card of claim 15, wherein the at least two network protocols comprise wireless network protocols selected from the group consisting of 802.11a, 802.11b and 802.11g. Hamdi further teaches the utilization of the 802.11 family of protocols including 802.11a/b/g (paragraph 17).

Claim 29 discloses the card of claim 15, further comprising a receiver module operable to receive communications governed by the at least two network protocols. Hamdi further teaches a client communicates via an 802.11 family protocol (paragraph 36).

Claims 6, 7, 13, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al (US PGPUB US2002/0059434) in view of Hamdi (US PGPUB US20040204079) as applied to claims 1, 8, and 15 above, and further in view of Molloy et al (US Patent #6,591,382).

Claim 6 discloses the method of claim 1, wherein performance data for the first network protocol and second network protocol comprises signal quality data. Karaoguz et al in view of Hamdi teaches the limitations of claim 1 as recited above. It fails to teach wherein performance data for the first network protocol and second network protocol comprises signal quality data. Molloy et al teaches measuring signal quality (column 9, lines 17-24).

Karaoguz et al in view of Hamdi and Molloy et al are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the measuring of signal quality feature in Molloy et al with the system in Karaoguz et al in view of Hamdi because additional time to correct errors is provided (Molloy, column 9, lines 17-24).

Claim 7 discloses the method of claim 1, wherein performance data for the first network protocol and second network protocol comprises signal strength data. Karaoguz et al in view of Hamdi teaches the limitations of claim 1 as recited above. It fails to teach wherein performance data for the first network protocol and second network protocol comprises signal strength data. Molloy et al teaches measuring signal strength (column 9, lines 25-38).

Karaoguz et al in view of Hamdi and Molloy et al are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the measuring of signal strength feature in Molloy et al with the

system in Karaoguz et al in view of Hamdi because additional time to correct errors is provided (Molloy, column 9, lines 17-24).

Claim 13 discloses the information handling system of claim 8, wherein the performance data module further comprises a signal quality indicator operable to monitor signal quality associated with communications according to each of the at least two network protocols. Karaoguz et al in view of Hamdi teaches the limitations of claim 8 as recited above. It fails to teach wherein performance data for the first network protocol and second network protocol comprises signal quality data. Molloy et al teaches measuring signal quality (column 9, lines 17-24).

Karaoguz et al in view of Hamdi and Molloy et al are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the measuring of signal quality feature in Molloy et al with the system in Karaoguz et al in view of Hamdi because additional time to correct errors is provided (Molloy, column 9, lines 17-24).

Claim 14 discloses the information handling system of claim 8, wherein the performance data module further comprises a signal strength indicator operable to monitor received signal strength of communications according to each of the at least two network protocols. Karaoguz et al in view of Hamdi teaches the limitations of claim 8 as recited above. It fails to teach wherein performance data for the first network protocol and second network protocol comprises signal strength data. Molloy et al teaches measuring signal strength (column 9, lines 25-38).

Karaoguz et al in view of Hamdi and Molloy et al are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the measuring of signal strength feature in Molloy et al with the system in Karaoguz et al in view of Hamdi because additional time to correct errors is provided (Molloy, column 9, lines 17-24).

Claim 18 discloses the card of claim 15, wherein the performance data receiver module further comprises: a signal quality indicator operable to monitor signal quality associated with communications according to each of the at least two network protocols; and a signal strength indicator operable to monitor received signal strength associated with communications according to each of the at least two network protocols. Karaoguz et al in view of Hamdi teaches the limitations of claim 15 as recited above. It fails to teach wherein performance data for the first network protocol and second network protocol comprises signal quality and strength data. Molloy et al teaches measuring signal quality and strength (column 9, lines 25-38).

Karaoguz et al in view of Hamdi and Molloy et al are analogous art because they are both related to switching between networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the measuring of signal quality and strength feature in Molloy et al with the system in Karaoguz et al in view of Hamdi because additional time to correct errors is provided (Molloy, column 9, lines 17-24).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boer et al (US Patent #5,706,428) teaches of a multirate wireless data communication system. Nair et al (US Patent #7,133,669) teaches of seamless roaming between wireless networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis
Examiner
Art Unit 2141

BJG
10/22/2007

JASON CARDONE
SUPERVISORY PATENT EXAMINER